

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Elissa D. Miller <i>emiller@sulmeyerlaw.com</i> 333 South Grand Avenue, Suite 3400 Los Angeles, California 90071 Telephone: 213.626.2311 Facsimile: 213.629.4520 <input type="checkbox"/> <i>Movant(s) appearing without attorney</i> <input checked="" type="checkbox"/> <i>Chapter 7 Trustee</i>	FOR COURT USE ONLY			
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION				
In re: GIRARDI KEESE, Debtor(s)	<table border="1"><tr><td>CASE NO.: 2:20-bk-21022-BR CHAPTER: 7</td></tr><tr><td style="text-align: center;">DECLARATION THAT NO PARTY REQUESTED A HEARING ON MOTION LBR 9013-1(o)(3)</td></tr><tr><td style="text-align: center;">[No Hearing Required]</td></tr></table>	CASE NO.: 2:20-bk-21022-BR CHAPTER: 7	DECLARATION THAT NO PARTY REQUESTED A HEARING ON MOTION LBR 9013-1(o)(3)	[No Hearing Required]
CASE NO.: 2:20-bk-21022-BR CHAPTER: 7				
DECLARATION THAT NO PARTY REQUESTED A HEARING ON MOTION LBR 9013-1(o)(3)				
[No Hearing Required]				

1. I am the ☒ Movant(s) or ☐ attorney for Movant(s) or ☐ employed by attorney for Movant(s).
2. **On** November 11, 2021, Movant(s) filed a motion entitled: CHAPTER 7 TRUSTEE'S APPLICATION TO EMPLOY LARRY W. GABRIEL, THE LAW OFFICES OF JENKINS, MULLIGAN AND GABRIEL, LLP IN PLACE AND INSTEAD OF RONALD RICHARDS, THE LAW OFFICES OF RONALD RICHARDS & ASSOCIATES, A.P.C., AS SPECIAL LITIGATION COUNSEL; DECLARATION AND STATEMENT OF DISINTERESTEDNESS OF LARRY W. GABRIEL IN SUPPORT THEREOF [Docket No. 849]
3. A copy of the motion and notice of motion is attached hereto.
4. **On** November 11, 2021, Movant(s) served a copy of ☐ the notice of motion or ☒ the motion and notice of motion on required parties using the method(s) identified on the Proof of Service of the notice of motion.
5. Pursuant to LBR 9013-1(o), the notice of motion provides that the deadline to file and serve a written response and request for a hearing is 14 days after the date of service of the notice of motion, plus 3 additional days if served by mail, or pursuant to F.R.Civ.P. 5(b)(2)(D) or (F).
6. More than 17 days have passed since Movant(s) served the notice of motion.

EDM 2730499v1 This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

7. I checked the docket for this bankruptcy case and/or adversary proceeding, and no response and request for hearing was timely filed.
8. No response and request for hearing was timely served on Movant(s) via Notice of Electronic Filing, or at the street address, email address, or facsimile number specified in the notice of motion.
9. Based upon the foregoing, and pursuant to LBR 9013-1(o), a hearing is not required.

Movant(s) requests that the court grant the motion and enter an without a hearing.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: December 6, 2021

/s/Elissa D. Miller

Signature

Elissa D. Miller

Printed name

ATTACHMENT

UNDER SEAL [DOCKET NO. 849]

CHAPTER 7 TRUSTEE'S APPLICATION TO EMPLOY LARRY W. GABRIEL, THE LAW OFFICES OF JENKINS, MULLIGAN AND GABRIEL, LLP IN PLACE AND INSTEAD OF RONALD RICHARDS, THE LAW OFFICES OF RONALD RICHARDS & ASSOCIATES, A.P.C., AS SPECIAL LITIGATION COUNSEL; DECLARATION AND STATEMENT OF DISINTERESTEDNESS OF LARRY W. GABRIEL IN SUPPORT THEREOF

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Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION

In re

GIRARDI KEESE,

Debtor.

Case No. 2:20-bk-21022-BR

Chapter 7

**NOTICE OF CHAPTER 7 TRUSTEE'S
APPLICATION TO EMPLOY LARRY W.
GABRIEL, THE LAW OFFICES OF
JENKINS, MULLIGAN AND GABRIEL,
LLP IN PLACE AND INSTEAD OF
RONALD RICHARDS, THE LAW
OFFICES OF RONALD RICHARDS &
ASSOCIATES, A.P.C., AS SPECIAL
LITIGATION COUNSEL**

**[11 U.S.C. §§ 327(c) and (e), 328(a); Fed.
R. Bankr. P. 2014; Loc. Bankr. R. 2014-
1(b)]**

[No Hearing Required]

**TO THE HONORABLE BARRY RUSSELL, UNITED STATES BANKRUPTCY
JUDGE AND TO ALL PARTIES IN INTEREST:**

PLEASE TAKE NOTICE that Elissa D. Miller, Chapter 7 Trustee (the "Trustee"),
for the estate of the Debtor, Girardi Keese (the "Debtor") has filed an *"Application to
Employ Larry W. Gabriel, the Law Offices of Jenkins, Mulligan and Gabriel, LLP in Place
and Instead of Ronald Richards, the Law Offices of Ronald Richards & Associates,
A.P.C., as Special Litigation Counsel, Declaration and Statement of Disinterestedness of
Larry Gabriel in Support Thereof"* (the "Application"), pursuant to which the Trustee seeks
an order of this Court authorizing the employment of Larry W. Gabriel, Jenkins, Mulligan

1 and Gabriel, LLP ("Gabriel") to act as her special litigation counsel in the above-
2 captioned bankruptcy case in place and instead of Ronald Richards, Law Offices of
3 Ronald Richards & Associates, A.P.C. ("Richards") to act as her special litigation
4 counsel.

5 **PLEASE TAKE FURTHER NOTICE** that the Trustee is retaining Gabriel as her
6 Special Litigation Counsel to assist with the investigation and undertake such
7 proceedings and/or actions as may be appropriate in connection with investigating and
8 recovering estate property and filing such proceedings and/or actions as are appropriate
9 in connection with transfers to Erika Girardi (aka Erica Jayne).

10 **PLEASE TAKE FURTHER NOTICE** that the Trustee proposes to retain Gabriel on
11 the same terms as Richards. More specifically, the Trustee proposes to retain Gabriel on
12 a contingency basis that was previously established and approved by this court for
13 Richards' retention: 35% of the net recovery prior to commencement of litigation, 40% of
14 the net recovery after the complaint is filed through 60 days prior to a jury or bench trial,
15 and 45% of the net recovery thereafter. "Net recovery" means the amount remaining
16 after the total amount received (whether by settlement, arbitration award, or court
17 judgment) has been reduced by the sum of all "costs," as defined in the Engagement
18 Agreement. The amount of the fee is not set by law but is negotiable between Gabriel
19 and the Trustee. Gabriel recognizes that Richards may seek payment for the work he
20 performed prior to his termination and that any such claim, if approved, will be paid from
21 the contingency fee, awarded, if any. In other words, the estate will not be increasing its
22 administrative liability by this change of counsel. Gabriel also shall be entitled to
23 reimbursement of its out-of-pocket costs incurred during the course of the instant
24 engagement as approved by the Court, with such costs to be advanced by Gabriel (or by
25 the estate following appropriate budget order) and paid from the estate.

26 **PLEASE TAKE FURTHER NOTICE** that other than the contingency fee and costs
27 to be paid to Gabriel as set forth herein and in the Engagement Agreement, Gabriel shall
28 have no claims against the estate.

1 **PLEASE TAKE FURTHER NOTICE** that any party wishing to obtain a copy of the
2 Application may do so by contacting the Trustee in writing at the address or e-mail on the
3 upper left-hand corner of this Notice.

4 **PLEASE TAKE FURTHER NOTICE** that if you do not oppose the Application, you
5 need not take any further action. However, any objection and request for hearing, in the
6 form required by Local Bankruptcy Rule 9013-1(f), must be filed with the Court and
7 served on the Trustee and the Office of the United States Trustee, located at 915
8 Wilshire Blvd., Suite 1850, Los Angeles, CA 90017, not later than 14 days, plus three
9 days for service by mail or pursuant to F.R.Civ.P. 5(b)(2)(D) or (F), after the date of
10 service of this notice.

11 **PLEASE TAKE FURTHER NOTICE** that failure to timely file and serve such
12 response and request for hearing may result in any response being deemed waived and
13 the Court entering an order approving the Application without hearing a pursuant to Local
14 Bankruptcy Rules 2014-1 and 9013-1.

15 DATED: November 11, 2021 Respectfully submitted,

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17 By: /s/ Elissa D. Miller
18 Chapter 7 Trustee

19 Date of Mailing: November 11, 2021
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 333 South Grand Avenue, Suite 3400, Los Angeles, CA 90071.

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF CHAPTER 7 TRUSTEE'S APPLICATION TO EMPLOY LARRY W. GABRIEL, THE LAW OFFICES OF JENKINS, MULLIGAN AND GABRIEL, LLP IN PLACE AND INSTEAD OF RONALD RICHARDS, THE LAW OFFICES OF RONALD RICHARDS & ASSOCIATES, A.P.C., AS SPECIAL LITIGATION COUNSEL** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) November 11, 2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

See Attached List

☒ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (*date*) November 11, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

See Attached List

☒ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 11, 2021

Date

Cheryl Caldwell

Printed Name

/s/Cheryl Caldwell

Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

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2. SERVED BY UNITED STATES MAIL:

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Casey Van Zandt
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 333 South Grand Avenue, Suite 3400, Los Angeles, CA 90071.

A true and correct copy of the foregoing document entitled: **DECLARATION THAT NO PARTY REQUESTED A HEARING ON MOTION [LBR 9013-1(o)(3)]** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* December 7, 2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **Kyra E Andrassy** kandrassy@swelawfirm.com, lgarrett@swelawfirm.com;gcruz@swelawfirm.com;jchung@swelawfirm.com
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EDM 2730499v1 This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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☐ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (date) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____,

I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

December 7, 2021

Cheryl Caldwell

/s/Cheryl Caldwell

Date

Printed Name

Signature